

**Ravalli County Planning Board
Meeting Minutes for April 5, 2006
7:00 p.m.
Commissioners Meeting Room, 215 S. 4th Street, Hamilton, Montana**

Public Hearing
Sunnyside Orchards Block 4, Lots 14 & 15, AP (K & L Development) Major Subdivision

Plat Evaluation
Silverado Heights (Broadhead Development) Major Subdivision

This is a summary of the meeting, not a verbatim transcript. An audiotape of the meeting may be purchased from the Planning Department for \$10.00.

1. Call to order

Dan Huls called the meeting to order at 7:04 p.m.

2. Roll Call (See Attachment A, Roll Call Sheet)

(A) Members

Ben Hillicoss (present)
Dan Huls (present)
Frankie Liable (absent – excused)
Roger Linhart (absent – excused)
Chip Pigman (present)
Tom Ruffatto (present)
Les Rutledge (present)
Lori Schallenberger (absent – excused)
Gary Zebrowski (present)

(B) Staff

Jennifer De Groot
Benjamin Howell
John Lavey
Renee Van Hoven

3. Approval of Minutes

Dan asked if there were any corrections or additions to the minutes from March 15, 2006. There were none. The minutes were approved.

4. Amendments to the Agenda

There were none.

5. **Special presentation by Bryce Christiaens, Ravalli County Weed District Supervisor**

Bryce Christiaens explained that the Weed District educates the public, collaborates with agencies, works with landowners, promotes steward/service learning, administers county right-of-ways, maps and monitors, and controls new weed invaders. He noted that some people think subdividing the land will get rid of weeds, but in reality each new landowner needs to be educated about noxious weeds. He listed four noxious weed threats in the county: Yellow Flag Iris, Viper's Bugloss (blue weed), Common Bugloss, and Saltcedar.

6. **Correspondence**

Two public comment letters and one agency comment letter were received for Sunnyside Orchards Block 4, Lots 14 & 15, AP (K & L Development) major subdivision. All members of the board received copies (See Attachments B, C & D, Lewing, Zielinski, and Ravalli County Park Board).

7. **Disclosure of Possible/Perceived Conflicts**

There was none.

8. **Public Hearing**

(A) **Sunnyside Orchards Block 4, Lots 14 & 15, AP (K & L Development) Major Subdivision**

(i) Staff Report on the Subdivision Proposal: Benjamin Howell

Benjamin gave a Power Point presentation. He outlined the proposal and noted that Staff recommended approval of the subdivision based on the findings of fact and conclusion of law in the Staff Report and subject to the conditions in the Staff Report. He entered the staff report into the record. (See Attachment E, Sunnyside Orchards Block 4, Lots 14 & 15, AP (K & L Development) Staff Report)

(ii) Three Minute Rule Waiver Requests

There was none.

(iii) Public Comment on the Subdivision

(a) Persons in Favor

John Horat, Bitterroot Engineering, submitted a response to Planning Board questions from the Plat Evaluation (See Attachment F, Bitterroot Engineering). He requested school donations at the time of sale for each lot. The developer is not opposed to providing for an easement to connect to future development to the east. However, the developer would like to have an agreement in place requiring a future developer to contribute to road construction cost before the easement is granted.

Ed Cummings explained that the neighbor to the east has subdivided his land through family transfers and wants the developer to put a road through this subdivision to access the neighbor's property. He said he tried to keep farming

the land and even tried leasing it to multiple people, but none were interested in farming it.

(b) Persons Opposed

Kathleen Driscoll stated she put a campaign sign on the property, but she did not know the lots were up for subdivision review. She apologized and said she did not approve or disapprove of the subdivision.

(c) Rebuttal

There was none.

(d) Close: Public Comment

(iv) Board Deliberation on the Subdivision Proposal

(a) Board discussion and questions

Chip Pigman questioned where Staff came up with the conditional easement and asked why present landowners should be burdened with future development.

Renee Van Hoven noted that connectivity is preferred so that it will make future development possible. She said that Hidden View Estates also had a conditional use easement.

Benjamin Howell noted that the Boardwalk II subdivision had a conditional use easement as well. He read from part of the subdivision regulations that roads should be connected to allow for neighborhood flow.

Renee said the future developer would be responsible for improving the road within the conditional easement and would be required to be annexed into the road maintenance agreement. Staff is open to latecomer proposals.

Ben Hillicoss discussed public comments with concerns about agriculture and possible flooding.

John Horat said the houses will not have basements.

Ed Cummings did water monitoring in 2004. He said the author of the letter, Mark Lewing (See Attachment B, Lewing), is located to the southeast of the proposed property. He said there was a raised irrigation ditch historically. When he switched to sprinkler irrigation, he buried the mainline. It was cheaper for him to rent the parcel to the southeast instead of building a berm and putting in absorption trees or having to fight with his neighbor about irrigation issues. He said that if the ditch is clean, there are not water problems.

Les Rutledge said there had not been irrigation east of the two parcels for a year or two. He mentioned that Mark Lewing said he was going to flood irrigate the parcel to the east and there would be water problems.

Ed said water accumulation would be on the lot below the development.

The Board continued to discuss water issues relating to the property, finally discerning that there are no water rights with the parcels and that irrigation did not proceed west to the end of the property line for farming purposes.

Tom Ruffatto asked who was responsible for the ditch on the eastside of the property. He suggested a homeowner's association to maintain the ditch.

John Horat said that could be possible and noted that no one uses that water downstream.

Ed said he cannot make any money farming those parcels, because of the soils and co-op power.

Ben said he talked with the Park Board about accepting land in the subdivision, but the Park Board recommended cash-in-lieu of dedication.

Chip motioned to approve the subdivision with one change. He recommended changing the school donation to be at first conveyance of each lot.

Tom seconded the motion and wanted to add the requirement of a homeowner's association.

Chip asked Staff if they would agree to the changes. He said the developer of this subdivision should be reimbursed if another developer comes along and takes advantage of the internal road. He said that applicant and Staff should develop a latecomer's agreement so that future developers can contribute to road construction.

Ben said it pains him to see farmland turn into subdivisions.

Les requested that the Six Criteria be considered.

(b) Board Action

(1) Review of the Subdivision Proposal against the Six Criteria

1. Effects on agriculture, including effects on the agricultural sector, loss of agricultural ground and effects on surrounding agricultural activities or practices.

Two agreed the effects were significant; four agreed they were non-significant.

2. Effects on Agricultural water-user facilities.

All agreed the effects were non-significant.

3. Effects on local services, including public road system, police and fire protection, utilities, and public schools.

Two found the effects significant; four found them non-significant.

4. Effects on the natural environment, including ground water contamination, riparian/wetland areas, soil erosion, vegetation and air pollution, and noxious weeds.

All agreed the effects were non-significant.

5. Effects on wildlife and wildlife habitat, including fisheries and mammals.

All agreed the effects were non-significant.

6. Effects on public health and safety, including sanitary issues such as sewage disposal and ground water contamination, police and fire protection, wildland fire hazard, traffic safety and the presence of other known hazards (onsite and offsite) such as high-pressure natural gas lines, airports, railroads, overhead power lines, industrial activities, mining activities, irrigation ditches and defined dam inundation areas.

Two found the effects significant; four found them non-significant.

(2) Board Decision on the Subdivision Proposal

The vote was called; the members voted (4-2) to approve the Subdivision. (See Attachment G, Six Criteria Review Sheet and Attachment H, Sunnyside Orchards Block 4, Lots 14 & 15, AP Vote Sheet)

9. Close Public Hearing

10. Plat Evaluation

(A) Silverado Heights (Broadhead Development) Major Subdivision

- (i) Presentation by Becky Weaver, PCI

Becky Weaver discussed the ten-lot subdivision and noted the proposal is for two commercial and eight residential lots. She summarized the application and impacts to the community and wildlife. She discussed the decision to create a hammerhead in the subdivision so that future roads can attach to it.

- (ii) Public Comment

There was none.

- (iii) Board Discussion and Questions

Gary noted there is a shooting range and track club in the area.

Dan asked about the hammerhead.

Becky said that a future road to the east would be serviced by a County Standard hammerhead road.

Chip was surprised about road review comments from WGM and asked the cost for road review.

Becky said total road review costs are around \$1,380.

Les asked about the drainage basin and said there could be a potential water safety issue.

Becky said that PCI designs for storm events that are unlikely.

Ben Hillicoss noted safety issues with traffic.

Chip noted that part of Eastside Highway was rerouted to make it safer.

Dan asked the last time the land was farmed and about water.

An anonymous man answered that it was hayed last year, but there are no ditches, no irrigation system, and no one downstream.

Ben requested a map of other subdivisions recently approved in the area.

11. **Communications from Staff**

Public Hearing on April 12, 2006 at 7:00 p.m. for Interim Zoning Regulations

The Board of County Commissioners has postponed the OCR3 Public Hearing that was scheduled for April 25, 2006, to see what the City of Hamilton does next.

Planning Department Budget Hearing April 27, 2006 at 1:30 p.m.

12. **Communications from Public**

An anonymous man asked about backlog in the Planning Department.

Renee said Staff is caught up with subdivision backlog and that new regulations will be coming in October.

13. **Communications from Board**

Gary volunteered to take Garry Shook's place on the Land Use committee.

Ben suggested that the subcommittee talk about the Ravalli Growth Management Policy Options: "New Urbanism" handout (See Attachment I, Ravalli Growth Management Policy Options: New Urbanism).

Les suggested obtaining legal advice to see if the issues presented were within their jurisdiction.

Chip does not think the Right to Farm and Ranch will work with the ideas in the handout.

Dan says the Right to Farm and Ranch Board will put together a set of criterion to help them decide impacts on agriculture and it wants to develop a position statement on all subdivisions.

Les said the Planning Board has an obligation to express itself about the loss of agricultural land.

Chip said our current subdivision regulations encourage development on Highway 93 and Eastside highway because road improvement costs are less expensive.

Dan said the ad hoc committee should look at density ideas.

Les wanted to know when the regulations will be changed.

Renee said Karen is working with James McCubbin on compliance with SB116 and that the regulations are required to be done before October. She said Chapter 5 of the subdivision regulations is currently being researched by Staff members.

Ben said the interim zoning resolution went straight to the Board of County Commissioners and not through the Planning Board.

Renee said that it is emergency zoning, so the Commissioners can do that.

Dan gave everyone on the Board a booklet titled "Septic System Impact on Surface Waters: A Review for the Inland Northwest" (See Attachment J, Septic System Impact on Surface Waters: A Review for the Inland Northwest).

Chip said the Board does not have the expertise to review ground water issues and notes that is why the DEQ handles these issues.

Renee said that Theresa Blazicevich of the Environmental Health Department wants to start a Local Water Quality District.

Chip passed out a handout with the housing statistics in the County from 1996-2005. (See Attachment K, Housing Starts in Ravalli County).

14. **New Business**

Tom announced he is taking a leave of absence from April through September of 2006 and J.R. Iman will replace him (See Attachment L, Reappointment Letter).

Gary said he sent an email to Planning Staff and Board Members about Smart Code.

Dan said DVDs of recent Right to Farm and Ranch board meetings will be available soon.

Chip said there is a public perception that the Planning Staff is behind. He wondered if applications turned in were complete.

Renee said staff has worked through the backlog, but there may be future backlogs at later stages in the process. She said subdivision applications have been more complete when first submitted than when she first started.

15. **Old Business**

There was none.

16. **Next Regularly Scheduled Meeting: April 19, 2006 at 3:00 p.m.**

Silverado Heights (Broadhead Development) Major Subdivision – Public Hearing
Hamilton Heights Block 17, Lot 2A, AP (Bundy) Minor Subdivision – Public Hearing

17. **Adjournment**

Dan adjourned the meeting at 9:10 p.m.